In the High Court of Judicature at Madras

Dated: 21/09/2004

Coram

The Honourable Mr.Justice V.KANAGARAJ

Writ Petition No.14041 of 1997

Tmt. S.Ayinulmarliya .. Petitioner

-Vs-

1. The Commissioner
Ramanathapuram Municipality
Ramanathapuram

2. The District Social Welfare Officer
Ramanathapuram. .. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus as stated therein.

For petitioner : Mr.M.V.Venkateseshan

For respondents : Ms.J.Sathiavathi for R1
Mrs.Malarvizhi G.A. For R2

:O R D E R

The petitioner filed the above writ petition seeking to issue a writ of Certiorarified Mandamus to direct the respondents to release the payment of Rs.5000/-sanctioned already by the first respondent towards the marriage assistance to the petitioner and quash the same.

2. The case of the petitioner is that based on the scheme called "Moovalur Ramamirthammal Marriage Assistance Scheme", the Government of Tamil Nadu issued a G.O.No.515 (Backward Classes) dated 31.05.1989 which was formulated only for the welfare of the backward class women folk by providing Rs.6000/- as financial assistance for the girls' marriage expenses, the petitioner who belongs to Indian Muslim Lebbai Caste falls under backward class, studied upto IX standard, applied with all required documents to the first respondent during the end of 1992, for her marriage negotiations and fixed to take place in 1993; that after thorough verification, the first respondent sanctioning the payment of Rs.5000/- to the petitioner by his proceedings in Roc.No.245/H1/94 dated 07.03.1994 forwarded the same to the second respondent for further action; that in spite of repeated

representations made on the part of the petitioner, no positive answer came from the the second respondent who evaded to release the payment and hence, with great difficulties the father of the petitioner mobilised funds by borrowing for interest and arranged the petitioner's marriage on 23.01 .1994 in accordance with Muslim rites and customs; that after marriage when the petitioner approached the respondents for the release of the amount already sanctioned, the second respondent by his proceedings in Roc.No.1493/96 dated 11.03.1997 informed the petitioner that the marriage assistance could not be given for the marriage which took place in a year subsequent to the year of sanction and hence, the petitioner left with no option has come forward with the above writ petition praying to set aside the order of the second respondent, impuged in the above writ petition.

3. Heard both.

4. In consideration of the facts pleaded having regard to the materials placed on records and upon hearing learned counsel appearing on behalf of the petitioner and the respondents as well, from the proceedings of the first respondent, the Commissioner, Ramanathapuram Municipality, Ramanathapuram as per his proceedings No.Roc.245/H1/94 dated 07.03.1994 having assessed the merits of the petitioner for the sanction of the amount of Rs.5000/- for the purpose of her marriage, till date the same has not been paid to her and for not paying the same inspite of repeated representations made on the part of the petitioner not even a proper reply has been given and ultimately by the impugned order a slipshod answer has been given without any factual reason assigned stating that there is no possibility of making such payment; that as per the proceedings of the District Social Welfare Officer, Ramanathapuram in his Roc.No.86/A4/96 dat ed 30.01.1997 we are able to know that as per the then Government Order, there was no possibility for granting the relief for marriages conducted the previous year which cannot be the proper answer for the case of the petitioner.

5. The case of the petitioner is that as early as in the year 1994 itself the amount of Rs.5000/- has been sanctioned by the first respondent as per his order dated 07.03.1994 mentioned supra but without effecting the payment and therefore, it has nothing to do with the order of the second respondent dated 30.01.1997 and hence, no other valid reason having also been assigned on the part of the respondents, this Court is left with no choice but to direct the respondents to effect the payment of Rs.5000/- (Rupees five thousand only)as ordered by the first respondent and hence the following order.

In result,
(i) the above writ petition succeeds and the same stands allowed;

(ii) the impugned order in Roc.No.1493/96 dated 11.03.1997 passed by the second respondent is hereby quashed;

(iii) that both the respondents are directed to effect payment of Rs.5000/-(Rupees five thousand only) sanctioned by the first respondent as per

his proceedings in Roc.No.245/H1/94 dated 07.03.1994, within a period of thirty days from the date of receipt of a copy of this order and report compliance to this Court.
No costs.

Index : Yes
Internet : Yes

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To
1. The Commissioner
Ramanathapuram Municipality
Ramanathapuram
2. The District Social Welfare Officer
Ramanathapuram.